

DRAFT FOR CONSULTATION

Hairdressing (Reducing Restrictions) Legislation Bill

Member's Bill

Explanatory note

General policy statement

This bill is an omnibus bill introduced under Standing Order 267(1)(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The single broad policy implemented by the amendments in this bill is reducing restrictions that apply to hairdressing businesses.

The purpose of the bill is to remove heavy-handed regulation preventing small businesses such as salons, hairdressers and barbers from offering an enhanced experience for customers getting their hair cut. It aims to take a common sense approach to the rules around what you can do when you cut someone's hair in a commercial setting.

The bill is an omnibus bill which:

- amends the Sale and Supply of Alcohol Act 2012 to provide a limited exemption for hairdressers and barbers to provide one alcoholic beverage of no more than 1.5 standard drinks while a customer has their hair cut; and
- amends the Health (Hairdressers) Regulations 1980 to allow for hairdressers and barbers to provide customers with beverages to customers while they have their haircut, as well as allow dogs on the premises if the business chooses to do so.

Background

It is currently unlawful under health regulations for hairdressers and barbers to provide any beverages to customers while cutting their hair. Further, under alcohol laws, even if they were able to provide beverages, it would still be unlawful to provide a complimentary beer, wine, or whisky while a customer has their hair cut without a licence.

It is similarly unlawful for a barber or salon to allow customers to bring dogs on premises while they have their hair cut.

Several news articles over the past decade have highlighted the impact these outdated laws have on entrepreneurial businesses who want to add something to the customer experience. Articles from 2017 highlight police crackdowns on barbers in Dunedin offering complimentary drinks ('Fun police' end haircut drinks practice, Otago Daily Times, 14 September 2017) and 2021 warn of fines of up to \$40,000 if businesses breach these restrictions (That relaxing glass of wine as you get your hair done – could cost your hairdresser or barber a fine of up to \$40,000, Stuff, 23 August 2021).

Similarly, regulations prevent customers from bringing their dogs onto the premises while they are getting their hair cut

The risk or harm to public health from offering one complimentary alcoholic beverage over an hour is very low. The regulations restrict innovative or 'new' barbers and salons from differentiating themselves and improving the customer experience. The regulations also technically prevent any other kinds of beverages from being offered, including water, tea or coffee. The regulations do little improve consumer protection, and significantly degrade the potential customer experience. They are a heavy-handed approach to an industry which could benefit from light-touch regulation.

Proposal

This bill proposes to amend the Sale and Supply of Alcohol Act 2012 to provide a limited exemption for hairdressers without a liquor licence to provide a single alcoholic beverage of no more than 1.5 standard drinks for consumption while the customer receives a haircut. It would mitigate any potential harm by limiting both the number of beverages that can be provided and the amount of alcohol in those beverages, as well as ensuring it can be provided only to customers receiving hairdressing services.

The bill also amends the Health (Hairdressers) Regulations 1980 to allow businesses to both choose whether they provide any beverages to customers, and choose whether to allow dogs onto their premises. Standard health and safety and consumer protection regulations would continue to apply to mitigate any health risks associated with beverages or pets being in close proximity to hairdressing services.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides for the Bill to come into force after Royal assent.

Part 1 amends the Sale and Supply of Alcohol Act 2012 to insert a *new section 12A*, which contains a limited exemption for hairdressers.

Part 2 amends the Health (Hairdressers) Regulations 1980 to revoke regulations that restrict the presence of dogs in hairdresser's shops and the provision of refreshments to customers.

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Contents

		Page
1	Title	1
2	Commencement	1
Part 1		
Amendment to Sale and Supply of Alcohol Act 2012		
3	Principal Act	2
4	New section 12A inserted	2
	12A Hairdressers exempted	2
Part 2		
Amendments to the Health (Hairdressers) Regulations 1980		
5	Principal regulations	2
6	Regulation 5 revoked (Dogs on premises prohibited)	2
7	Regulation 12 amended (Service of refreshments)	2

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Hairdressing (Reducing Restrictions) Legislation Act **2024**.

2 Commencement

This Act comes into force on the day after Royal assent.

Part 1

Amendment to Sale and Supply of Alcohol Act 2012

3 Principal Act

This Part amends the Sale and Supply of Alcohol Act 2012.

4 New section 12A inserted

After section 12, insert:

12A Hairdressers exempted

- (1) This section applies to an individual person who, for reward, carries on business as a hairdresser from a hairdresser's shop.
- (2) Even if the person does not hold a licence (or a licence of the appropriate kind) for the premises concerned, a person to whom **subsection (1)** applies may supply a customer with no more than 1 alcoholic beverage of no more than 1.5 standard drinks for consumption on the premises of the hairdresser's shop.
- (3) In this section,—

customer means any person upon whom hairdressing is being performed or who is in a hairdresser's shop for the purpose of receiving a hairdressing service from a hairdresser

hairdresser means any person who engages for profit or reward in the business or practice of hairdressing

hairdresser's shop means any premises, other than premises occupied by a customer, where a hairdresser carries on their business or practice

hairdressing means the dressing, curling, waving, cleansing, cutting, shaving, trimming, singeing, bleaching, tinting, colouring, or other treatment of the hair or beard of any person

standard drink, for an alcoholic beverage, means the amount that contains 10 grams of ethanol when measured at 20°C.

Part 2

Amendments to the Health (Hairdressers) Regulations 1980

5 Principal regulations

This Part amends the Health (Hairdressers) Regulations 1980.

6 Regulation 5 revoked (Dogs on premises prohibited)

Revoke regulation 5.

7 Regulation 12 amended (Service of refreshments)

Revoke regulation 12(1).